

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BOARDING SCHOOL REVIEW, LLC,

Plaintiff,

v.

11 Civ. 8921 (DAB)  
ORDER TO SHOW CAUSE

DELTA CAREER EDUCATION CORPORATION,  
WESTON EDUCATIONAL, INC., BERKS  
TECHNICAL INSTITUTE, INC., MCCANN  
EDUCATIONAL CENTERS, INC., MILLER-MOTTE  
BUSINESS COLLEGE, INC., SOUTHWEST  
BUSINESS COLLEGES, INC., and THE MIAMI-  
JACOBS BUSINESS COLLEGE CO.,

Defendants.

-----X  
DELTA CAREER EDUCATION CORPORATION, et al.

Counterclaim-Plaintiffs,

v.

BOARDING SCHOOL REVIEW, LLC,

Counterclaim-Defendant.

-----X  
DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that Defendants' Amended Counterclaims were filed on November 15, 2013 and were served electronically on Plaintiff on the same date. To date, Plaintiff has neither filed an Answer nor responded to Defendants' Amended Counterclaims in any other way and therefore is technically in default.


Accordingly, Defendants are hereby ORDERED TO SHOW CAUSE why

their Amended Counterclaims against Plaintiff should not be dismissed for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for failure to prosecute "cannot seriously be doubted"); Fed. R. Civ. P. 41(b)-(c).

If Defendants fail by January 17, 2014 to either (1) show cause, or (2) move for default judgment against Plaintiff, Defendants' Amended Counterclaims against Plaintiff shall be dismissed for failure to prosecute. Defendants' showing of good cause, if any, shall be made by affidavit.

SO ORDERED.

Dated: New York, New York  
January 2, 2014

  
Deborah A. Batts  
United States District Judge